

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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DRAMEL ELLIOT,

Plaintiffs,

-against-

~~[PROPOSED]~~ UNSEALING
ORDER

THE CITY OF NEW YORK; POLICE OFFICER
ANTHONY JONES, Shield No. 17923; POLICE
SERGEANT JOSEPH CASTALDO, Shield No. 358;
JOHN DOE DETECTIVE; JOHN DOES; and RICHARD
ROES,

20 Civ. 702 (NRB) (SLC)

Defendants.
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UPON THE APPLICATION of the parties for the unsealing of records pertaining to the arrests of Erik Ciriaco, Arrest No. M185655438 and Axsel Lopez, Arrest No. M18655444 on October 29, 2018 at approximately 3:42 p.m., which may be protected from disclosure by New York Criminal Procedural Law §§ 160.50 and/or 160.55;

WHEREAS the information sought is material and relevant to the above-captioned civil action currently pending in the Southern District of New York, brought by Plaintiff Dramel Elliot and being defended by the Office of Corporation Counsel; and

WHEREAS the Court has the inherent authority to unseal these records in connection with this action, see Schomburg v. Bologna, 298 F.R.D. 138, 141 (S.D.N.Y. 2014) (“Federal courts can and commonly do order production of documents sealed under Section 160.50”);

IT IS HEREBY ORDERED that the records in the possession, custody, or control of the following entities pertaining to the arrests of Erik Ciriaco, Arrest No. M185655438 and Axsel Lopez, Arrest No. M18655444 on October 29, 2018 at approximately 3:42 p.m., are unsealed pursuant to New York Criminal Procedure Law §§ 160.50 and 160.55 and may be made

available for use in this civil action: (1) New York City Police Department; (2) New York County District Attorney's Office; and (3) Supreme, Criminal, and/or Family Courts of New York County, State of New York; and

IT IS FURTHER ORDERED that the aforementioned records shall be disclosed to James E. Johnson, Corporation Counsel of the City of New York, or to Jeffrey A. Rothman, Esq.; and

IT IS FURTHER ORDERED that the aforementioned records shall be deemed "Confidential Materials" pursuant to the terms of the protective order that is operable under the SDNY Local Rule 83.10. Further, to the extent the personal identifying information (such as home addresses, or private contact information) of any member of the NYPD is included (purposefully or inadvertently) within these documents, any such personal identifying information shall be treated as "attorney's eyes only."

Dated: New York, New York
January 20, 2021



HON. NAOMI REICE BUCHWALD, U.S.D.J.